

## **Recommendation for Just transition of the Navajo Generating Station and Peabody Coal Mines for the Black Mesa to Tribal Renewable Energy Project at Black Mesa**

### **Objective of Just Transition:**

(1) Provide continued energy and water delivery to Central and Southern Arizona; (2) Provide continued revenues to the Navajo Nation from tribal land energy services; (3) Provide continued job opportunities for Navajo Nation tribal members; (4) Retire coal energy development on tribal land in Northeast Arizona; and, (5) Advance renewable energy projects at Black Mesa utilizing existing Infrastructure and brownfield areas.

### **Background:**

- In 1968 the Navajo Nation passed a resolution waiving 50,000 a/f of water on the Upper Colorado River Basin for NGS for a period of 50 years or for the life of NGS, whichever comes first. The Nation receives no direct revenue from relinquishment of these rights.
- In 1969 the U.S. Department of Interior (DOI) leased 34,100 a/f of water per year from Lake Powell to the Salt River Project Agricultural Improvement and Power District (SRP) for the Navajo Generating Station (NGS). Water for NGS is allocated from the State of Arizona's 50,000 acre/feet (a/f) apportionment of Upper Colorado River Basin water. The lease agreement was contingent upon the Navajo Nation's non-assertion of tribal water right claims to Arizona's Upper Colorado River Basin apportionment.
- In 1969 DOI and NGS operators entered into a 50 year Right-of-way (ROW) and easement agreement with Navajo Nation. The Tribe was provided a one-time payment of \$925.00. The operators were required to carry property damage insurance of not less than \$1 million dollars.
- In 1969 DOI and NGS operators entered into a 50-year site-lease agreement with the Navajo Nation. Among other things, the agreement authorizes operators of NGS to dispose of and dump coal ash waste from NGS on tribal lands. The Tribe was provided an annual rental fee of \$4 million dollars per year upwardly adjusted after 25 years.
- In 1969 construction began on NGS.
- In 1974 the first Unit of NGS was operational. Units two and three followed in 1975 and 1976 respectively. At full operation, the plant has a 2,250-MW capacity and burns up to 25,000 tons of coal per day.
- NGS was partially funded by US Congress to assist in the development of Central Arizona Project (CAP) – a water delivery project for central and southern Arizona.
- Bureau of Reclamation (BOR) owns the majority share of electricity from NGS (24.3%). However, SRP is the exclusive plant operator.
- BOR owns 100% of CAP. CAP is operated and managed by Central Arizona Water Conservation district (CAWCD).
- Peabody Energy operates the Kayenta Mine which supplies coal to NGS.
- The original lease was signed in 1964 between the Navajo Nation and Sentry Royalty Company. The lease was amended in 1987 and Peabody Coal Company was assigned all of Sentry's rights under the lease.
- Peabody's lease is good "for so long" as "coal and kindred products, including other minerals, except oil and gas" "are being mined" by Peabody.
- Under the lease, the Navajo Nation receives "12.5% of the monthly gross realization for all coal from the premises leased."

- Peabody's Black Mesa Mining Operation is approximately 18,984 acres. The Black Mesa mine was closed in December 2005 after closure of the Mojave Generating Station.

#### **Upcoming Issues facing NGS:**

- The Los Angeles Department of Water and Power announced in the spring of 2009 that it would not renew its contract to purchase coal fired electricity from NGS once the current contract expires in 2019.
- Nevada Energy has expressed interest in selling its share of NGS.
- DOI's lease with SRP for water for NGS expires on December 31, 2016.
- DOI and NGS operators' ROW and easement agreement expires in 2019.
- DOI and NGS operators' site lease agreement expires in 2019.
- Renewal of the water, ROW and site lease agreements will require compliance with, among other things, the National Environmental Policy Act and development of an Environmental Impact Statement (EIS).
- The U.S. Environmental Protection Agency is scheduled to issue its Best Available Retrofit Technology (BART) determination for NGS in late 2012 or early 2013. This BART determination may require additional air pollution controls for pollutants causing visibility impairment, which include particulate matter, sulfur dioxide, and nitrogen oxides. NGS ranked number four in the nation in 2006 for NOx emissions with 34,744 tons per year (tpy).
- The Federal Office of Surface Mining's renewal permit for Peabody's Kayenta Mine is currently subject to legal challenge based on, among other things, Peabody's alleged material damage to ground water and specifically the Navajo Aquifer from 40 years of pumping.

#### **A Just Transition for the People of Black Mesa and the Navajo Nation.**

##### ***By 2019:***

- Maintain current operations until 2019.
- Bring online a large-scale renewable energy project at the non-operational Black Mesa Mine by 2019.
- Retire BOR's share of the NGS plant by 2019.
- Use renewable energy at Black Mesa to provide energy to BOR to power CAP by 2019.
- Ensure payments to the Navajo Nation for use of any Upper Colorado River Basin water by 2019.
- Retire LADWP and NE share of the NGS plant and implement a 10 year remediation plan for unit decommissioning and clean-up of coal ash by 2019.
- Ensure adequate and meaningful bonding, reclamation and royalties for continued operations at NGS and the Kayenta Mine beyond 2019.

##### ***Beyond 2019:***

- Allow SRP, APS, TEP to continue operation with air control requirements mandated by USEPA and mine controls at the Kayenta Mine sufficient to prevent material damage to ground water until 2029.
- Retire any continued operations at NGS and convert remaining operations to solar energy at Black Mesa by 2029.

- Implement 10-year remediation plan for decommissioning of remaining units at NGS and the Kayenta Mine by 2029.

**Navajo Generating Station:**

Operator: SRP

24% - Bureau of Reclamations (BOR)

21.7% - Salt River Project (SRP)

21.2% - Lost Angeles Department of Water and Power (LADWP)

14.0%- Arizona Public Service Co. (APS)

11.3% - Nevada Energy (NE)

7.5% - Tucson Electric Power (TEP)

2250 MW Capacity – 3 units 750 MW each.

Currently:

BOR owns the equivalent of 546.75MW (24.3%),

LADWP + NE owns 32.5% or 731.25MW

SRP, APS, + TEP own 43.2% or 972MW

**Navajo Nation Benefits:**

Maintain Jobs, and revenues

Increase Job stimulation

Decrease in Environmental Impacts to land, water, air

Ownership will stimulate economic self-determination and reduce dependence on DOI (elimination of Impact Aid)

**Arizona Benefits:**

Energy and Water delivery security – NGS is a high priority now for all of AZ

CAWCD continues to enjoy low cost electricity

CAP water users continue to enjoy low cost water

Federal Government trust responsibility to Arizona tribes including Southern Arizona Tribes will be met.

## **Transition Plan of To Nizhoni Ani regarding Navajo Generating Station and related operations and resources**

### **Summary:**

For over fifty years, the Navajo Nation has been largely dependent on a coal-based industrial economy. While revenues from development of coal resources account for a substantial portion of tribal budgets, coal development has had a substantial, and some would say irreparable, impact on tribal health, culture, land, air, and water. Further, the impacts are not limited to tribal lands as the effects of hazardous air and green-house gas emissions, toxic water borne pollution, massive depredation of aquifers used for drinking water, and contamination of soil, air and water from toxic coal combustion waste (CCW) disposal has dispersed into adjacent non-indigenous communities.

Situated in the Four Corners region of New Mexico and Arizona, the Dine homelands encompass an existing, sprawling coal-industrial complex. The Navajo Mine operated by BHP Billiton serves the Four Corners Power Plant (FCPP) in Fruitland, New Mexico; Kayenta and Black Mesa mines operated by Peabody Energy serves Navajo Generating Station (NGS) in Page, Arizona. The construction and operation of these facilities have been central in the economies of the Navajo Nation. Energy is exported from these facilities to Southern California, Texas, Southern Arizona, and Nevada.

The Power Plants at NGS and FCPP will not sustain the Dine in perpetuity. Once the fossil fuel supplied by the tribes is extracted, the powerful utility companies will be looking for other locations to continue their operations. The Dine will have no leverage to level the playing field and no plan in place to sustain tribal governance as it currently exists.

After decades of exploitation by mining and energy companies, a combination of factors make now the ideal time for the Navajo Nations to transition to a more sustainable clean-energy economy.

### **Best Available Retrofit Technology:**

Under the federal Clean Air Act (CAA), the Four Corners and Navajo power plants are subject to requirements for Best Available Retrofit Technology (BART) in order to comply with federal regional haze requirements. The proposed BART determination for the FCPP, which was issued by EPA Region 9 in October 2010, will likely require the installation of Selective Catalytic Reduction (SCR) at all five units. Estimated cost for the FCPP to install SCR is \$717 million for all five units.

The owners of the rapidly aging FCPP and NGS are faced with significant decisions about whether to commit financing to pollution-control technology upgrades for the facilities, or retire them and replace their output with modern, clean energy sources. EPA has determined it is necessary for the owners of the FCPP to upgrade pollution controls to reduce haze in the region. The ruling proposal calls for the likely installation of selective catalytic reduction controls (SCR), which could cost hundreds of millions of dollars.

Rather than incur such costly upgrades for plants that will eventually be phased out anyway, the Navajo and Hopi would benefit instead from a move toward newer, cleaner and more sustainable



energy sources of which economic equity should be included.

With significant investment to bring these plants into compliance with required regulatory protections, it is entirely possible that the owners will determine that the FCPP and NGS have exhausted their economically useful lives and that continuing to operate them would be unprofitable. Utilities around the country are having the same internal debates, and several major owners of FCPP and NGS have already made a decision to abandon their stakes in the projects.

According the EPA website, asthma disproportionately affects children, families with lower incomes, and minorities. "While asthma was a rare diagnosis in many HIS areas before 1975, asthma prevalence and hospitalizations increased dramatically among AI/AN populations during the 1980s." (IHS 2006). Between 1972-74 and 1996-98, Navajo Area age-adjusted death rates for cancer have increased from 43.7 to 87.5 deaths per 100,000 populations (IHS 2006).

In addition, TNA has engaged community members across the northwest and central region of the Navajo Nation (in the area of NGS) in a survey that is meant to assess the need for a more comprehensive health study primarily focused on respiratory and heart disease and may include cancer. 141 surveys were returned by adult community members from 13 communities in the Northwest region of the Navajo Nation (Kaibeto, Chilchinbito, Pinon, Navajo Mt. Coppermine, Lechee, Dennehotso, Kitsillie/Black Mesa, Tonalea, Tuba City, Bittersprings, CedarRidge, and Shonto). The survey was conducted from March to May, 2011. The survey asks community members to assess the number of family members with asthma and respiratory problems and to identify the number of members with respiratory problems over the age of 25 years and under the age of 25 years. It also asks community members to identify distance to nearest hospital facilities and what other kinds of ways they address these problems besides modern methods.

### **Survey Results:**

Community	13 communities in Northwest and Central Navajo Reservation:
Number of family members with respiratory problems	60% yes, at least one 38% none 42% with more than one member
Under 25 years of age	50% under age of 20 years
Over 25 years of age	42% over age of 20 years
Diagnosed in last 10 years	26% of those with respiratory problems diagnosed in last 10 years
Over 50 years of age	26% of those with respiratory problems are over 50 years of age

### **Coal Mining a Legacy of Non-Compliance:**

Part of the transition strategy is to compel meaningful and timely reclamation, closure, and clean-up of the tens-of-thousands of acres of mine lands used for coal-fired power plants. Actual

clean-up and reclamation of mined lands (which could take decades) not only creates jobs and a transitional revenue stream, but in some instances may present important renewable energy site and location opportunities on mined-lands (i.e. brown fields).

Peabody's Kayenta Mining Operation covers approximately 44,000 acres and has produced approximately 8.5 million tons of coal per year. Peabody's 44,073 acre Kayenta Mine mining operation continues to supply coal exclusively to the Navajo Generation station and has done so since 1973. NGS became operational in 1971 and was based in part on a resolution from Navajo Nation which waived claims of 50,000 acre feet of Navajo water in the upper Colorado River basin for 50 years or the life of Navajo Generating Station.

Tens of millions of tons of coal combustion waste (CCW), the toxic by-product of burning coal in power plants, has been disposed of in insufficiently regulated landfills and dumped back into the mines or on-site on the Navajo Nation. This CCW contains toxic pollutants such as mercury, cadmium, barium, and arsenic, which cause cancer and various other serious health effects. These contaminants can leach into groundwater from the landfills and mines where they are dumped, and can migrate to drinking water sources, posing significant public health concerns. Peabody's 18,000 acre Black Mesa mining operation supplied coal to the Mohave Generating Station from 1970 to December 2005. The Black Mesa mine became non-operational in 2005 after closure of Mohave in 2005 due to the Station's inability to comply with the Clean Air Act.

In addition to the coal mining at the Black Mesa Mine, Peabody has also pumped an average of 4000-6000 acre-feet per year. That is more than 1.3 billion gallons of potable water annually from the Navajo Aquifer (N-Aquifer) between 1969 to 2005 a span of 35 years. This water was used to transport pulverized coal in a pipeline (Black Mesa Pipeline) 273 miles to the Laughlin, NV, and the location of the Mohave Generating Station.

The N-aquifer is the primary source of water for municipal users and tribal members within the 5,400 square mile Black Mesa area. All of the Hopi and many of the Navajo who live in the region take their water, which they use for drinking, subsistence farming and for religious purposes, from the same source. Since Peabody began using N-aquifer water for its coal slurry operations, water levels have decreased by more than 100 feet in some wells and discharge has slackened by more than 50 percent in majority of monitored springs. There are reports that washes along the mesa's southern cliffs are losing outflow. There are also signs that the aquifer is being contaminated in places by low-quality water from overlying basins, which leaks down in response to the stress caused by pumping. Peabody's ongoing groundwater pumping, which is not covered by a reclamation bond, undercuts the sustainability of North America's oldest cultures, and continues to have a significant impact on tribal communities throughout the region.

In 2010, an independent scientist at the University of Arizona completed a study investigating both Peabody's mine and the tribal communities' impact on the N-aquifer. This study demonstrated the following mine-related impacts and OSM's (coincidental) discretionary decisions and actions:

1. In 1989, OSM set a damage-threshold for spring discharge at a 10% reduction to discharge caused by the mine.

As of 2009, Moenkopi Spring (sixty miles southwest of the mine) had declined by more than 26%. OSM maintains, however, that the decline is caused by tribal pumping or recent drought conditions.

The University of Arizona study demonstrated that the *declining* rate of discharge from Moenkopi Spring expresses a strong, statistically significant relationship with the rate of Peabody's *increasing* withdrawals. Further, the spring has no statistically significant relationship with either local municipal withdrawals or local rates of precipitation.

In 2008, OSM concluded that "there have been and will be no impacts to these springs attributable to mining" (OSM-CHIA 2008: 86). Subsequently, OSM removed the oversight of Moenkopi Spring from its regulatory purview.ééé

2. In 1989, OSM determined that water level decline at the community of Kayenta (20 miles north of the mine) would be caused almost entirely by Kayenta's groundwater pumping. As of 2009, the water level at Kayenta had dropped more than 106 feet; the aquifer's structural stability is currently at risk of compaction at Kayenta.

The University of Arizona study demonstrated a statistically significant relationship between Kayenta's declining water level and Peabody's increasing withdrawals. Further, there is no statistically significant relationship between this decline and Kayenta's withdrawals. In fact, the rate of Kayenta's withdrawals expresses a slightly decreasing trend since 1984 although the water level has continued to fall.

In 2008, OSM concluded that the mine had not adversely affected the N-aquifer and completely removed *structural stability* from its regulatory purview.

3. In 2008, OSM implemented Peabody's \$3 million groundwater model for regulatory purposes.

According to the model report, "a regional scale model cannot currently be developed for the basin that will accurately predict the impacts of pumping on individual springs" (HSIGeoTrans & WEHE 1999: 5-23). Similarly, the model cannot accurately simulate groundwater discharge to streams.

Nonetheless, in 2008, OSM determined that, rather than using actual groundwater monitoring data, it will use the simulation results from Peabody's groundwater model for its annual evaluation of the mine's impact on springs and streams.

Water is scarce in the desert Southwest, and large volumes of water derived from local watersheds serve the needs of the mines and cool the coal plants, drawing down aquifers, degrading river water quality and depleting one of the region's most valuable and scarce resources. Fallout from smokestack pollution and the vast quantities of CCW that have been dumped into mines over the past 45-50 years have degraded the quality of the remaining water supplies. Health advisories have been issued for most streams, rivers and lakes in the Four Corners, warning the public against neurological and cardiovascular damage from consuming local fish due to mercury contamination (in part due to mercury emissions from FCPP and NGS). The true costs associated with these environmental and public health impacts have never been



internalized by the operators of the coal complex.

The following table illustrates only one example of the gap in water prices among Dine living on the Reservation and those living off the reservation. Dine in Pinon, Az. (central Navajo Reservation) pay at least 20 times more per gallon than do residents in Glendale, Az (Phoenix area).

**AZ Regional Water prices:**

<b>Location</b>	<b>Price</b>	<b>Unit</b>	<b>Conversion</b>
Glendale, Az	\$2.00	1000 gal.	\$.01/ 5gal
Pinon, Az	\$.01	1 gal.	\$.01/ 1gal
Kaibeto	\$.04	1 gal.	\$.04/ 1gal
Tonalea	\$2.00	55gal	\$.01 /1gal
Flagstaff	\$2.82	1000gal	\$.01/4gal

**Transition the Navajo Nation for the sustainability of all Nations:**

The Navajo Nation is the size of Scotland. It is blessed with an abundance of resources that could provide the foundation necessary for a transition to renewable energy development. The Navajo Nation encompasses regions with ample wind, solar, and geothermal resources, along with vast expanses of land, including large reclaimed coal-mining tracts that are ideal for locating renewable energy facilities. The region's solar potential is some of the best in the world and certain portions of reservation lands have wind resource ratings capable of supporting utility-scale projects. Additionally, as a result of all three power plants' extensive interconnections to the electric grid there is a network of power lines whose capacity would be freed up for an expansion of renewable energy by phasing out the three coal-burning plants.

Utility-scale development of either wind or solar energy resources alone has potential to offset job and revenue losses from the phase-out of the existing coal plants. An analysis by the US Department of Energy (DOE), for example, determined that constructing a wind energy project in Navajo County could generate up to 140 construction and operations jobs and more than \$14 million in economic activity.

If the Dine are to see their existence into the future they must develop clean energy economies instead continuing to advance a steadily declining coal-based economy.

Beyond the tangible benefits, a transition away from the unfulfilling history of coal and toward clean energy aligns more closely to Dine fundamental laws and values.

Building a new clean energy economy, one in which the viability of the Navajo Nation is included must be based on the following:

- Acknowledging the real value associated with land, water, air and other natural resources on Dine lands.
- Acknowledging the significant adverse environmental and health impacts of a coal based economy and the reliance on the FCPP and NGS and related mine operations.
- Acknowledging that benefits from the sale of Dine raw resources is directly disproportionate to the profits of the sale or the recipient of cheap electricity.



- Creating legislation that would provide the Navajo Nation the financial, political and regulatory means to pursue real solutions in transitioning from fossil fuel electricity
- Developing privately-owned and tribal-owned clean energy generation resources on Dine lands, such as wind and solar; and,
- Subsidizing clean energy facilities rather than fossil fuel facilities;

The biggest question Dine face along with the rest of the world is, what happens after all the fossil fuel is gone. We have no choice but to embrace the renewable technology available and move forward with it.

#### **Position of To Nizhoni Ani:**

1. It is the position of To Nizhoni Ani that a decision by EPA that would require the Best Available Retrofit Technology otherwise known as BART that requires at minimum SCR for the FCPP and NGS would be the most beneficial in terms of the issues of the regional haze and visibility. More importantly, a BART decision would also reduce the health impacts from the pollutants for Navajos living in the region.
2. In lieu of declining coal resources, the Navajo Nation must work towards incorporating into recent expired leases, a plan to transition these areas into a solar generation facility and to target brownfields instead of undeveloped lands. The purpose of this plan is 1) to ensure continued revenues and jobs for the Navajo Nation and 2) to eliminate health impacts to the people.
3. The Navajo Nation must begin incorporating a plan for continued revenues and jobs in place of the declining coal mined at Kayenta and the Navajo Mine. Currently the development of a Solar Energy Generation Facility on brown fields, is being explored by grassroots groups, Black Mesa Water Coalition and To Nizhoni Ani. At least 6,000 acres of mined lands is available at this time. This alone is enough for more than 1000 MW of power. A total of 68,000 acres of land is held in lease by Peabody Western Coal Company. While some mining on hundreds of acres of lease land has been complete for more than 15 years, reclamation has not been completed by Peabody and none of the lands have been transferred back to the Navajo Nation, to be given back to the local residents for use.

Currently the Black Mesa Water Coalition and To Nizhoni Ani has completed a Solar Potential Study, conducted dozens of community meetings to residents in the mine lease area as well as residents in communities throughout Black Mesa. The purpose of these community meetings is to educate for the purpose of mobilizing the community.

4. Installation of Solar facilities on the CAP canals to provide additional power to power the pumps that push the water to Phoenix and Tucson or other power users. This would help eliminate the evaporation of 75,000 acre feet of water annually.
5. Make CAP self-sufficient.



# RESOLUTION OF THE K'AI'BII'TÓ CHAPTER

P.O. Box 1761, K'ai'Bii'Tó, AZ 86053

Ph#: (928) 673-5850/5851 Fax#: (928) 673-5853

SUPPORTING THE TO NIZHONI, INC. AN'S POSITION TO ACHIEVING THE STRONGEST AND MOST STRINGENT LEVEL OF POLLUTION CONTROLS POSSIBLE OTHERWISE KNOWN AS BART (BEST AVAILABLE RETROFIT TECHNOLOGY ) FROM BOTH NAVAJO GENERATING STATION AND FOR CORNERS POWER PLANT.

## WHEREAS

1. The K'ai'bii'tó Chapter is certified Chapter of the Navajo Nation and is delegated the authority and responsibility to promote projects which benefits the local community, and
2. Pursuant to 2 N.N.C., Section 4028 (a), the K'ai'bii'tó Chapter is vested with the authority to review all matters affecting the community and make appropriate recommendations to the Navajo Nation, Federal, State, and local agencies for appropriate actions; and
3. Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution, and
4. Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted, and
5. Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only 9 available Indian Hospitals within a 80 mile radius, and
6. Emissions from both the Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; and
7. It is critical that both NGS and Four Corners begin transition to renewable energy generation, and
8. This transition should include direct benefits to the people and communities that are adversely impact by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.

## NOW THEREFORE, BE IT RESOLVED THAT.

1. The K'ai'bii'tó Chapter hereby supports the position of Tó Nizhóni, Inc. to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and
2. The K'ai'bii'tó Chapter supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant

## CERTIFICATION

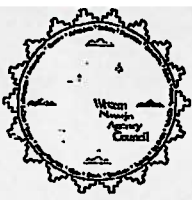
We hereby certify that the foregoing resolution was considered by the K'ai'bii'tó Chapter at a duly called meeting at which a quorum was present and the same was passed by a vote of 38 in favor, 0 opposed, and 0 abstained on this 6<sup>th</sup> day of March 2011.

Motion by: Franklin Fowler

Second by: Darnell June

Kelsey A. Begay, Chapter President

Ernest Goatson, Chapter Vice-President



# WESTERN NAVAJO AGENCY COUNCIL



Thomas L. Cody  
President

Yvonne Bigman  
Vice-President

Louise Kerley  
Secretary

## RESOLUTION OF THE WESTERN NAVAJO AGENCY

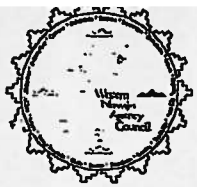
Supporting and Approving To Nizhoni Ani's position to achieving the strongest and most stringent level of pollution controls possible otherwise known as BART (Best Available Retrofit Technology) for both Navajo Generating Station and Four Corners Power Plant and the transition to a renewable energy plant.

WACS Resolution No.: 078-287-07

### WHEREAS:

1. The Western Navajo Agency Council is a consortium of duly elected Chapter Officials of eighteen (18) certified Navajo Nation Chapters that advocate, promote and support common goals and interests of the respective Chapters; AND
2. The Western Navajo Agency Council is comprised of elected officials from eighteen (18) Navajo Nation Chapters in the Western Navajo Agency and has the responsibility and authority to address matters and projects that will benefit the 18 chapters of the Western Navajo Agency of the Navajo Nation; AND
3. Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution; and
4. Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability; and
5. Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted; and
6. Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only 9 available Indian Hospitals within a 80 mile radius; and
7. Emissions from both The Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; and
8. It is critical that both NGS and Four Corners begin transition to renewable energy generation, and This transition should include direct benefits to the people and communities that are adversely impacted by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.





# WESTERN NAVAJO AGENCY COUNCIL



Thomas L. Cody  
President

Yvonne Bigman  
Vice-President

Louise Kerley  
Secretary

## NOW THEREFORE, BE IT RESOLVED THAT:

1. The Western Navajo Agency Council hereby supports To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation.
2. The Western Navajo Agency Council hereby directs Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant.
3. The Western Navajo Agency Council hereby further recommends that both NGS and Four Corners commence plans to transition to renewable energy generation for the future sustainability and viability of the Navajo Nation.

## CERTIFICATION

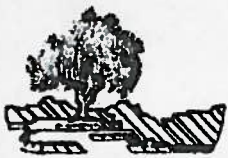
We, hereby certify that the foregoing resolution was properly presented at a duly called Western Navajo Agency Council Meeting at Dennehotso Chapter, Navajo Nation, Arizona, where a quorum was presented and passed with a vote of 34 In Favor; 0 Opposed; and 8 Abstained on this 19 day of March 2010.

Motion by: Rena Edwards Second By: Lucille Saganitso-Krause

Thomas L. Cody  
Thomas L. Cody, President

Yvonne S. Bigman  
Yvonne Bigman, Vice-President

Louise Kerley  
Louise Kerley, Secretary



## PIÑON CHAPTER

Post Office Box 127 • Piñon, Arizona 86510 • (928) 725-3710/3711 • FAX (928) 725-3712

### PINON CHAPTER RESOLUTION # PIN-10-35

**Pinon Chapter supports To' Nizhoni Ani position to achieving the strongest and most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nations**

#### WHEREAS:

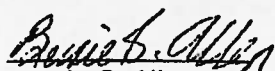
1. The Pinon Chapter is recognized as a local government entity within the Navajo Nation Government promoting the interest and welfare of the constituents pursuant to Navajo Nation Code; and
2. Pursuant to Title 26 NNC, Section B-1 & 2, the purpose of the local Governance Act is to recognize at the local level and to delegate to chapter government with respect to local matters consistent with Navajo Laws including custom and tradition and to make decisions over local matter; and
3. Pinon Chapter recommends these two coal fired power plants are among our nation's largest sources of nitrogen oxide pollution harms our health thereby reducing quality of life due to high health care costs, debilitating respiratory disease: and
4. The Navajo Generating and Four Corners Power Plant pollution impairs and reduces visibility within the spectacular national parks throughout our region; and
5. The Plants need to transition to clean energy source and that these alternative projects should directly benefit people and communities that depend upon or were harmed by dirty energy sources: and
6. Pinon Chapter also recommends and supports this resolution for the best interest of the Pinon Community and the effort to improve and maintain the community.

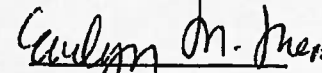
#### NOW THEREFORE BE IT RESOLVED THAT:

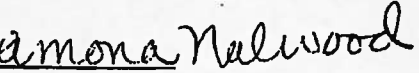
1. Pinon Chapter supports the Chapter Resolution supporting the To' Nizhoni Ani position to achieving the strongest and most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation: and
2. These existing coals fired power plants need to transition to clean energy sources and that these alternative projects should directly benefit people and communities that depend upon or were harmed by daily energy source.

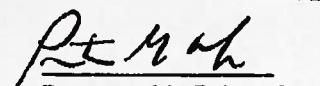
#### **CERTIFICATION**

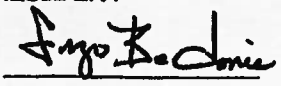
We, the undersigned, do hereby certify that the foregoing resolution was duly considered by the Pinon Chapter at a duly called meeting at which quorum was present, at Pinon, Navajo Nation, ARIZONA, and same was passed by a vote of 38 In favor, 00 opposed, 06 abstained this 12<sup>th</sup> day of April 2010.

  
Bessie S. Allen  
PRESIDENT

  
Evelyn M. Meadows  
VICE-PRESIDENT

  
Ramona Nalwood  
SECRETARY/TREASURER

  
Preston McCabe, SR.  
COUNCIL DELEGATE

  
Lorenzo Bedonie  
COUNCIL DELEGATE



**BEN SHELLEY**  
PRESIDENT

**FOREST LAKE CHAPTER**

Dwight Witherspoon, Council Delegate  
Donald T. Chee, President  
Alfred Charley Jr., Vice-President  
Helena W. Begay, Secretary Treasurer  
Irene Begaye, Grazing Representative  
Ella M. Benally, Community Service Coordinator

**REX LEE JIM**  
VICE-PRESIDENT

**Resolution of the Forest Lake Chapter**

**FLC-11-02-014**

Forest Lake Chapter supports To Nizhoni Ani's position to achieving the strongest and most stringent level of pollution controls possible otherwise known as BART (Best Available Retrofit Technology) for both Navajo Generating Station and Four Corners Power Plant and the transition to a renewable energy plant.

**Whereas:**

Forest Lake Chapter is recognized as a local government entity within the Navajo Nation Government promoting the interest and welfare of the constituents pursuant to Navajo Nation Code; and

Pursuant to Title 26 NNC, Section B-1 & 2 the purpose of the local Governance act is to recognize at the local level and to delegate to chapter government with respect to local matter consistent with Navajo laws including custom and tradition and to make decisions over local matter; and

Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution, and

Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability, and

Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted, and

Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only 9 available Indian Hospitals within a 80 mile radius, and

Emissions from both The Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; and

It is critical that both NGS and Four Corners begin transition to renewable energy generation, and

This transition should include direct benefits to the people and communities that are adversely impacted by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.



FLC-11-02-014

**Now therefore be it resolved that:**

Forest Lake Chapter supports To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and

Forest Lake Chapter supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant.

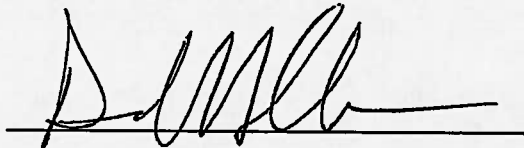
Forest Lake Chapter recommends that both NGS and Four Corners commence plans to transition to renewable energy generation for the future sustainability and viability of the Navajo Nation.

**Certification**

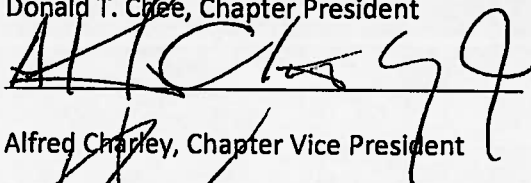
We hereby certify that the foregoing resolution was duly considered by the Forest Lake Chapter at a duly called meeting in Forest Lake, Navajo Nation (Arizona), at which a quorum was present and that same was passed by vote 22 in favor, 00 opposed, and 09 abstained this 17<sup>th</sup> day of February 2011.

Motion by: Wayne Bitsui

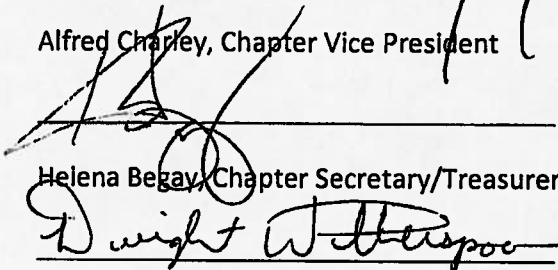
Second by: Jerry T. Begay

A handwritten signature in black ink, appearing to read 'D. Cree', written over a horizontal line.

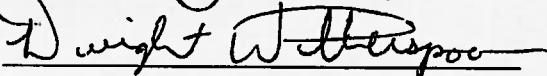
Donald T. Cree, Chapter President

A handwritten signature in black ink, appearing to read 'Alfred Charley', written over a horizontal line.

Alfred Charley, Chapter Vice President

A handwritten signature in black ink, appearing to read 'Helena Begay', written over a horizontal line.

Helena Begay, Chapter Secretary/Treasurer

A handwritten signature in black ink, appearing to read 'Dwight Witherspoon', written over a horizontal line.

Dwight Witherspoon, Council Delegate

**RESOLUTION  
OF THE HARDROCK CHAPTER  
RESO. NO. HR-04/11-08**

**Hardrock Chapter supports To Nizhoni Ani's position to achieving the strongest and most stringent level of pollution controls possible otherwise known as BART (Best Available Retrofit Technology) for both Navajo Generating Station and Four Corners Power Plant and the transition to a renewable energy plant.**

**Whereas:**

(Chapter or Agency) is recognized as a local government entity within the Navajo Nation Government promoting the interest and welfare of the constituents pursuant to Navajo Nation Code; and

Pursuant to Title 26 NNC, Section B-1 & 2 the purpose of the local Governance act is to recognize at the local level and to delegate to chapter government with respect to local matter consistent with Navajo laws including custom and tradition and to make decisions over local matter; and

Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution, and

Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability, and

Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted, and

Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only 9 available Indian Hospitals within a 80 mile radius, and

Emissions from both The Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; and

It is critical that both NGS and Four Corners begin transition to renewable energy generation, and

This transition should include direct benefits to the people and communities that are adversely impacted by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.

**Now therefore be it resolved that:**

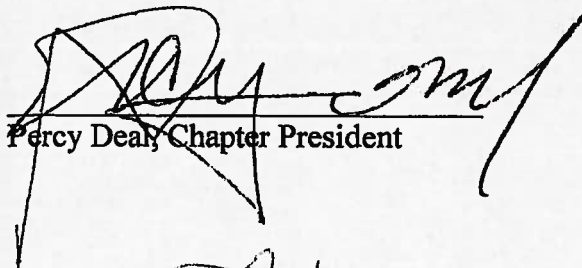
Hardrock Chapter supports To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and

Hardrock Chapter supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant.

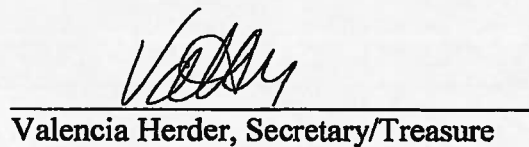
Hardrock Chapter recommends that both NGS and Four Corners commence plans to transition to renewable energy generation for the future sustainability and viability of the Navajo Nation.

### CERTIFICATION

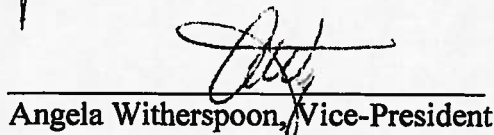
We hereby certify that the foregoing resolution was duly considered by the Hardrock Chapter at a duly called meeting in Hardrock, Navajo Nation, Arizona which quorum was present that same was passed by vote of 25 in favor 0 opposed and 1 abstained on this 26<sup>th</sup> day of April, 2011.



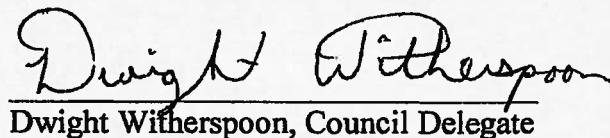
Percy Deal, Chapter President



Valencia Herder, Secretary/Treasure



Angela Witherspoon, Vice-President



Dwight Witherspoon, Council Delegate



# BLUE GAP/TACHEE CHAPTER

P.O. Box 4427

Blue Gap, Arizona 86420

Ph: (928) 349-0607

Fax: (928) 323-7740

**JOHNNY NAIZE** COUNCIL DELEGATE

**ANITA DRAPER**, COMMUNITY SERVICES COORDINATOR

BGCH11-04-010

## RESOLUTION OF THE BLUE GAP/TACHEE CHAPTER

**BLUE GAP/TACHEE CHAPTER SUPPORTS TO NIZHONI ANI'S POSITION TO ACHIEVING THE STRONGEST AND MOST STRIDENT LEVEL OF POLLUTION CONTROLS POSSIBLE OTHERWISE KNOW AS BART (BEST AVAILABLE RETROFIT TECHNOLOGY) FOR BOTH NAVAJO GENERATING STATION AND FOUR CORNERS POWER PLANT AND THE TRANSITION TO A RENEWABLE ENERGY PLANT.**

### WHEREAS:

1. Blue Gap/Tachee Chapter is recognized as a local government entity within the Navajo Nation Government promoting the interest and welfare of the constituents pursuant to Navajo Nation Code; and
2. Pursuant to Title 26 NNC, Section B-1 & 2 the purpose of the local Governance act is to recognize at the local level and to delegate to chapter government with respect to local matter consistent with Navajo laws including custom and tradition and to make decisions over local matter; and
3. Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution, and
4. Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability, and
5. Emissions from both NGS and Four Corners is responsible for Inoreased respiratory disease and asthma and other health issues related due to toxins emitted, and
6. Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only 9 available Indian Hospitals within a 80 mile radius, and
7. Emissions from both The Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; and
8. It is critical that both NGS and Four Corners begin transition to renewable energy generation, and
9. This transition should include direct benefits to the people and communities that are adversely impacted by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.

### NOW THEREFORE BE IT RESOLVED THAT:


1. Blue Gap/Tachee Chapter supports To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and
2. Blue Gap/Tachee Chapter supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant.
3. Blue Gap/Tachee Chapter recommends that both NGS and Four Corners commence plans to transition to renewable energy generation for the future sustainability and viability of the Navajo Nation.

**CERTIFICATION**

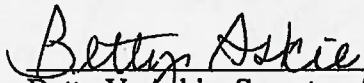
We, hereby certify that the foregoing resolution was duly considered by Blue Gap/Tachee Chapter at a duly called meeting at Blue Gap, Navajo Nation, Arizona at which a quorum was present and that same was passed by a vote of 24 favor, 0 oppose, 5 abstain this 8<sup>th</sup> day of April, 2011.

Motion by: Helen Nez

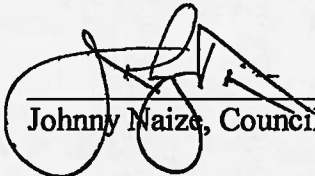
Seconded By: Glen Dames

  
Aaron P. Yazzie, Chapter President

Joe J. Jim, Chapter Vice-President

  
Betty V. Askie, Secretary/Treasurer

Benjamin Manycows, Grazing Rep.

  
Johnny Naize, Council Delegate

## **RESOLUTION OF THE CHINLE AGENCY COUNCIL**

**THE CHINLE AGENCY COUNCIL FULLY SUPPORTS THE TONIZHONI ANI'S POSITON TO ACHIEVING THE STRONGEST AND MOST STRINGENT LEVEL OF POLLUTION CONTROLS POSSIBLE OTHERWISE KNOWN AS BEST AVAILABLE RETROFIT TECHNOLOGY ("BART") FOR BOTH NAVAJO GENERATING STATION AND FOUR CORNERS POWER PLANT AND THE TRANSITION TO A RENEWABLE ENGERGY PLANT.**

### **WHEREAS:**

1. The Chinle Agency is recognized as a local government entity within the Navajo Nation Government promoting the interest and welfare of the constituents pursuant to Navajo Nation Code; And
2. Pursuant to Title 26 NNC, Section B-1 & 2 the purpose of the local Governance act is to recognize at the local level and to delegate to chapter government with respect to local matter consistent with Navajo laws including custom and tradition and to make decisions over local matter; And
3. Both Navajo Generating Station ("NGS") and Four Corners Power Plant ("Four Corners") are among our nation's largest sources of nitrogen oxide pollution; And
4. Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability; And
5. Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted; And
6. Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only 9 available Indian Hospitals within a 80 mile radius; And
7. Emissions from both The Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; And
8. It is critical that NGS and Four Corners begin transition to renewable energy generation; And
9. This transition should include direct benefits to the people and communities that are adversely impacted by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.

### **NOW THEREFORE IT RESOLVED THAT:**

1. The Chinle Agency Council fully supports the To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; And



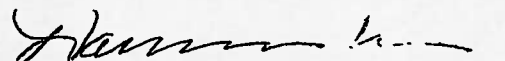
THE CHINLE AGENCY COUNCIL FULLY SUPPORTS THE TONIZHONI ANI'S POSITON TO ACHIEVING THE STRONGEST AND MOST STRINGENT LEVEL OF POLLUTION CONTROLS POSSIBLE OTHERWISE KNOWN AS BEST AVAILABLE RETROFIT TECHNOLOGY ("BART") FOR BOTH NAVAJO GENERATING STATION AND FOUR CORNERS POWER PLANT AND THE TRANSITION TO A RENEWABLE ENGERGY PLANT.

2. The Chinle Agency Council fully supports Environmental Protection Agency's determination of Best Available Retrofit Technology for both Navajo Generating Station and Four Corners Power Plant; And
3. The Chinle Agency Council further recommends that both Navajo Generating Station and Four Corners commence plans to transition to renewable energy generation for the future sustainability and viability of the Navajo Nation.

### CERTIFICATION

I hereby certify the foregoing resolution was duly considered by the Chinle Agency Council membership at which a quorum was present and same was passed by a vote of 43 in favor, 00 opposed and 00 abstained, this 8<sup>th</sup> day of January, 2011 at the Many Farms Chapter House, Navajo Nation, ARIZONA.

MOTION BY: Bessie Allen  
SECOND BY: Charlotte Begaye

  
Harrison Kee, President  
Chinle Agency Council

## **COPPERMINE CHAPTER**

**Chapter President**  
*Floyd Stevens*

**Chapter Vice President**  
*Lola Smith*

**Secretary/Treasurer**  
*Valerie Fowler*



The Navajo Nation  
Western Navajo Agency - District One  
P.O. Box 1323 Page, Arizona 86040  
Telephone No: (928) 691-1109

**Council Delegate**  
*Duane S. Tsinigine*

**Grazing Committee**  
*Calvin G. Begay*

**CO-03-043-11**

### **RESOLUTION OF THE COPPERMINE CHAPTER**

**Coppermine Chapter Western Navajo Agency supports To Nizhoni Ani's position to achieving the strongest and most stringent level of pollution controls possible otherwise known as BART (Best Available Retrofit Technology) for both Navajo Generating Station and Four Corners Power Plant and the transition to a renewable energy plant.**

#### **Whereas:**

Coppermine Chapter Western Navajo Agency is recognized as a local government entity within the Navajo Nation Government promoting the interest and welfare of the constituents pursuant to Navajo Nation Code; and Pursuant to Title 26 NNC, Section B-1 & 2 the purpose of the local Governance act is to recognize at the local level and to delegate to chapter government with respect to local matter consistent with Navajo laws including custom and tradition and to make decisions over local matter; and Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution, and Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability, and Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted, and Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only 9 available Indian Hospitals within a 80 mile radius, and Emissions from both The Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; and It is critical that both NGS and Four Corners begin transition to renewable energy generation, and This transition should include direct benefits to the people and communities that are adversely impacted by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.

#### **Now therefore be it resolved that:**

Coppermine Chapter Western Navajo Agency supports To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and Coppermine Chapter Western Navajo Agency supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant. Coppermine Chapter Western Navajo Agency recommends that both NGS and Four Corners commence plans to transition to renewable energy generation for the future sustainability and viability of the Navajo Nation.

CO-03-043-11: Resolution of the Coppermine Chapter in Support of To Nizhonie Ani's position to achieving the strongest and most stringent level of pollution controls possible otherwise known as BART (Best Available Retrofit Technology) from both Navajo Generating Station and Four Corners Power Plant.

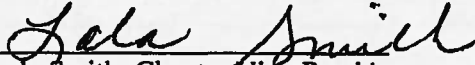
## CERTIFICATION

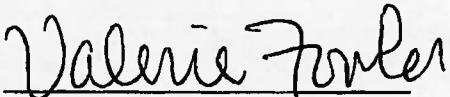
We, hereby, certify that the foregoing resolution was considered at a duly call Chapter meeting at Coppermine Chapter (Coconino County, ARIZONA) Navajo Nation, where a quorum was present and that same was passes by a vote of 18 in favor 00 opposed and 07 abstained, this 24th day of March 2011.

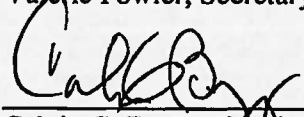
Motion By: Allen Fowler, Jr.

Second By: Alfred Long

  
Floyd Stevens, Chapter President

  
Lola Smith, Chapter Vice-President

  
Valerie Fowler, Secretary/Treasurer

  
Calvin G. Begay, Grading Committee



# NAHATA DZIIL COMMISSION GOVERNANCE

Arnold Begay – President  
Clarence Bedonie – Vice President  
Ella Katoney – Secretary

Jerry Thompson - Treasurer  
Wayne Lynch - Member

## RESOLUTION OF NAHATA DZIIL COMMISSION GOVERNANCE

NDC 11-05-139

**NAHATA DZIIL COMMISSION GOVERNANCE SUPPORTS NIZHONI ANI'S POSITION TO ACHIEVING THE STRONGEST AND MOST STRIDENT LEVEL OF POLLUTION CONTROLS POSSIBLE OTHERWISE KNOWN AS BART ( BEST AVAILABLE RETROFIT TECHNOLOGY) FOR BOTH NAVAJO GENERATING STATION AND FOUR CORNERS POWER PLANT AND THE TRANSITION TO A RENEWABLE ENERGY PLANT.**

### WHEREAS:

1. The Nahata Dziil Commission Governance is certified by the Navajo Nation Council Resolution CAP-36-91 as a local governmental entity of the Navajo Nation government which has the responsibility and authority to promote, protect and preserve the interest and general welfare including the safety of its community, people, programs, property, etc.; and
2. Transportation and Community Development Committee of the Navajo Nation by Resolution TCDCAU-66-02, approved governance certification of the Nahata Dziil Commission Governance Five Management Policies and Procedures pursuant to 26 N.N.C Section 102 (B), which permit's the Nahata Dziil Commission Governance to exercise local governance authorities contained within 26 N.N.C. Section 103 (D)(1); and
3. The Nahata Dziil Commission Governance is further certified by the Navajo Nation in accordance with its Community Based Land Use Plan, pursuant to Resolution of the Transportation and Community Development Committee of the Navajo Nation Council, to administer its community lands with the New Lands Chapter boundaries and to decide on the best options for its land uses; and
4. On January 20, 2008, the Nahata Dziil Chapter converted its Governmental entity into the Nahata Dziil Commission Governance; and
5. Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution; and
6. Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that people depend on for sustainability, and
7. Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted; and
8. Emissions from both NGS and Four Corners is responsible for increased health care costs including time spent driving to one of the 9 available Indian Health Hospitals within a 80 mile radius; and
9. Emissions from both the NGS and Four Corners Power Plant impairs and reduces visibility within spectacular national parks throughout our region; and



## LEUPP CHAPTER

C.P.O. Box 5428 • Leupp, Arizona 86035 • (928) 686-3227 • FAX: (928) 686-3232

### RESOLUTION OF THE LEUPP CHAPTER

Western Navajo Agency

Resolution No: LP04-040-2011

**SUPPORTING TO NIZHONI ANI'S POSITION TO ACHIEVING THE STRONGEST AND MOST STRINGENT LEVEL OF POLLUTION CONTROLS POSSIBLE OTHERWISE KNOWN AS BART (BEST AVAILABLE RETROFIT TECHNOLOGY) FOR BOTH NAVAJO GENERATING STATION AND FOUR CORNERS POWER PLANT AND THE TRANSITION TO A RENEWABLE ENERGY PLANT**

#### WHEREAS:

1. Pursuant to 27 NTC, the Leupp Chapter is duly recognized as a local government entity of the Navajo Nation, vested with certain authorities and responsibilities to act on behalf of the Navajo Citizens in the local community; and
2. Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution; and
3. Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability; and
4. Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted; and
5. Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to on of only 9 available Indian Hospitals within a 80 mile radius; and
6. Emissions from both The Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; and
7. It is critical that both NGS and Four Corners begin transition to renewable energy generation; and
8. This transition should include direct benefits to the people and communities that are adversely impacted by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.



## LEUPP CHAPTER

C.P.O. Box 5428 • Leupp, Arizona 86035 • (928) 686-3227 • FAX: (928) 686-3232

Resolution No.: LP04-040-2011

### NOW THEREFORE IT BE RESOLVED THAT:

Leupp Chapter supports To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and

Leupp Chapter supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant; and

Leupp Chapter recommends that both NGS and Four Corners commence plans to transition to renewable energy generation for the future sustainability and viability of the Navajo Nation.

### CERTIFICATION

We hereby certify that the following was duly considered by the Leupp Chapter at a duly called meeting at Leupp, Navajo Nation (Arizona) at which a quorum was present and that same was passed by a vote of 30 in favor, 0 opposed, 3 abstentions, on this 22<sup>nd</sup> day of April, 2011

Motion: Don Benabdy Second: Chalson McCabe

Thomas L. Cody  
Thomas L. Cody, President

Lorraine Jones-Noline  
Lorraine Jones-Noline, Vice President

Rosita Ann Kelly  
Rosita Ann Kelly, Secretary / Treasurer

Walter Phelps  
Walter Phelps, Council Delegate

Johnny K. Thompson  
Johnny K. Thompson, Grazing Officer





# BODAWAY/GAP CHAPTER

Local Governance Certified

P.O. Box 1546

The Gap, AZ 86020

Phone: (928) 283-3493 Fax: (928) 283-3496

Email: [bodaway@navajochapters.org](mailto:bodaway@navajochapters.org)

*Billy Arizona, Jr., President*

*Marie L. Williams, Vice-President*

*Govern J. Begay, Secretary-Treasurer*

*Jonathan Haskie, Grazing Administrator*

*Duane S. Tsingine, Council Delegate*

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THE NAVAJO NATION  
**RESOLUTION OF THE BODAWAY/GAP CHAPTER**  
Nastsos Bee Adah Niihodii;tah

RESOLUTION NO. BA-03-041 -11

**BODAWAY/GAP CHAPTER SUPPORTS TO NIZHONI ANI'S POSITION TO ACHIEVING THE STRONGEST AND MOST STRIDENT LEVEL OF POLLUTION CONTROLS POSSIBLE OTHERWISE KNOWN AS BART (BEST AVAILABLE RETROFIT TECHNOLOGY) FROM BOTH NAVAJO GENERATING STATION AND FOUR CORNERS POWER PLANT.**

**WHEREAS:**

1. The Bodaway/Gap Chapter is recognized as a local government entity within the Navajo Nation Government promoting the interest and welfare of the constituents pursuant to Navajo Nation Code; and
2. Pursuant to Title 26 NNC, Section B-1 & 2 the purpose of the local Governance act is to recognize at local level and to delegate to chapter government with respect to local matter consistent with Navajo laws including custom and tradition and to make decisions over local matter; and
3. Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest course of nitrogen oxide pollution, and
4. Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted, and
5. Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only nine (9) available Indian Hospitals within a 80 miles radius, and
6. Emissions from both the Navajo Generating and four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region; and
7. It is critical that both NGS and Four Corners begin transition to renewable energy generation, and
8. This transition should include direct benefits to the people and communities that are adversely impacted by more than three (3) decades for toxic pollutants emitted into the air and onto the land and water sources.

**NOW THEREFORE BE IT RESOLVED THAT:**


1. The Bodaway/Gap Chapter hereby supports To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and
2. The Bodway/Gap Chapter supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant.
3. Both NGS and Four Corners commence plans to transition to renewable energy generation.

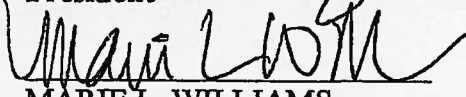
**\*\*\*\*\* CERTIFICATION \*\*\*\*\***

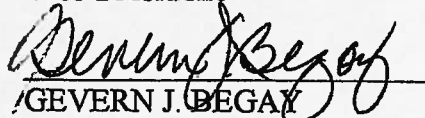
WE HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS CONSIDERED BY THE BODAWAY/GAP CHAPTER AT A DULY CALLED REGULAR CHAPTER MEETING AT THE GAP (NAVAJO NATION), ARIZONA; AT WHICH A QUORUM WAS PRESENT AND THAT SAME WAS PASSED BY A VOTE OF 26 IN FAVOR, 00 OPPOSED, AND 00 ABSTAINED; ON THIS 15 DAY OF March 2011.

MOTIONED BY: Debbie Tsinigine

SECONDED BY: Alice Dugi

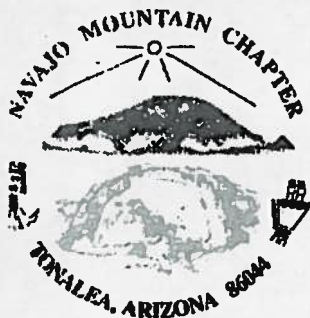
  
BILLY ARIZONA JR  
President

  
MARIE L. WILLIAMS  
Vice-President

  
GEVERN J. BEGAY  
Secretary/Treasurer

  
JONATHAN HASKIE  
Grazing Member

  
DUANE S. TSINIGINE  
Council Delegate



**Alex Bitsinnie**  
*President*

**Jean DeJolie**  
*Vice-President*

**Ella Jean Badoni**  
*Secretary/Treasurer*

**Lucille S. Krause**  
*Grazing Representative*

**Jonathan Nez**  
*Council Delegate*

**RESOLUTION OF THE  
NAVAJO MOUNTAIN CHAPTER  
THE NAVAJO NATION  
NM03/095-2011**

**RECOMMENDATION TO APPROVE THE REQUEST TO 'NIZHONI ANI' POSITION TO ACHIEVING THE STRONGEST AND MOST STRINGENT LEVEL OF POLLUTION CONTROL POSSIBLE OTHERWISE KNOWN AS (BEST AVAILABLE RETROFIT TECHNOLOGY) FROM BOTH NAVAJO GENERATING STATION AND FOUR CORNERS POWER PLANT**

**WHEREAS:**

1. Pursuant to 26 N.N.C., Section 3 (A), Navajo Mountain Chapter is a duly recognized certified Chapter of the Navajo Nation Government, as listed at 11 N.N.C., part 1, section 10; and
2. Pursuant to 26 N.N.C., Section 1 (B), Navajo Mountain Chapter is vested with the authority to review all matters affecting the community, make appropriate corrections when necessary, and provide recommendations to the Navajo Nation and other local agencies for appropriate action; and
3. Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our Nations largest sources of nitrogen oxide pollution; and
4. Emission from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability; and
5. Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted; and
6. Emissions from both NGS and Four Corners impairs and reduces visibility within the spectacular National parks throughout our region; and
7. It is critical that both NGS and Four Corners begin transition to renewable energy generation; and
8. This transition should include direct benefits to the people and communities that are adversely impacted by more than three (3) decades for toxins pollutants emitted into the air and onto the land and water sources.



**NOW, THEREFORE BE IT RESOLVED THAT:**

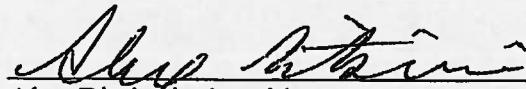
1. The Navajo Mountain Chapter hereby supports Tó Nizhóní Ani position to achieving the strongest, most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and
2. The Navajo Mountain Chapter community supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant.

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by Navajo Mountain Chapter at a duly called meeting in Navajo Mountain, Utah at which a quorum was present and the same was passed by a vote of 29 in favor 01 opposed and 03 abstained on this 12<sup>th</sup> day of MARCH 2011.

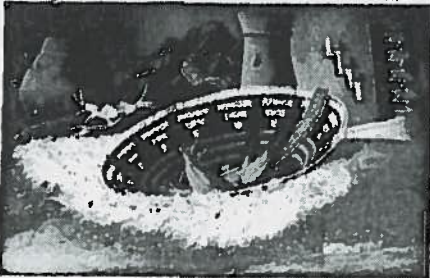
**Motion:** Clarita Stevens

**Second:** Fred Bedoni.

  
Alex Bitsinnie, President

  
Jean DeJolie, Vice President

  
Ella Jean Badoni, Secretary/Treasurer



Council of Naat'aanii and Executive Manager Local Government  
for To'Nanees'Dizi Community  
TO'NANEES'DIZI LOCAL GOVERNMENT  
P.O. Box 727, Tuba City, Arizona 86045  
Telephone: 928-283-3284 Fax: 928-283-3288  
<http://www.tubacity.nndes.org> Email: [tndchapter@yahoo.com](mailto:tndchapter@yahoo.com)

**COUNCIL OF NAAT'AANII**

Max D. Goldtooth, Sr.  
President

Robert Yazzie  
Vice-President

Charlene A. Nez  
Secretary/Treasurer

Helen M. Herbert  
Council Member

Jimmy Holgate  
Council Member

**ADMINISTRATIVE STAFF**

Priscilla Littlefoot  
Executive Manager

Noreen Parrish  
Executive Assistant

Vanessa Lee  
Administrative Assistant

**LEGISLATION # TND-05-0389-2011**

**TO'NANEES'DIZI LOCAL GOVERNMENT**

**ORDINANCE OF THE COUNCIL OF NAATAANII AND EXECUTIVE MANAGER FORM  
OF GOVERNMENT FOR TO'NANEES'DIZI COMMUNITY**

LEGISLATION OF THE COUNCIL OF NAAT'AANII OF THE TO'NANEES'DIZI LOCAL  
GOVERNMENT SUPPORTING THE TO NIZHONI ANI'S POSITION TO ACHIEVE THE  
STRONGEST AND MOST STRINGENT LEVELS OF POLLUTION CONTROLS POSSIBLE  
OTHERWISE KNOWN AS BART (BEST AVAILABLE RETROFIT TECHNOLOGY) FOR  
BOTH NAVAJO GENERATING STATION AND FOUR CORNERS POWER PLANT AND  
THE TRANSITION TO A RENEWABLE ENERGY PLANTS.

Sponsor: Robert Yazzie, Council of Naat'aanii Vice-President

**LONG TITLE**

**General Description:**

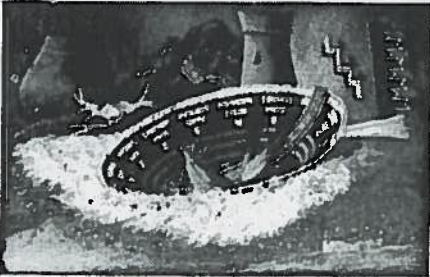
This proposed legislation is to support the To Nizhoni Ani's position to achieve the strongest and most stringent levels of pollution controls possible otherwise known as BART (Best Available Retrofit Technology) for both Navajo Generating Station and Four Corners Power Plant and the transition to a renewable energy plants.

**Highlighted Provisions:**

- A. Both Navajo Generating Station (NGS) and Four Corners Power Plant (Four Corners) are among our nation's largest sources of nitrogen oxide pollution, and
- B. Emissions from both NGS and Four Corners is responsible for reducing the quality of life of residents of the Navajo and Hopi Nation by emitting toxins into the air that effect the plant life, air quality and water that the people depend on for sustainability, and
- C. Emissions from both NGS and Four Corners is responsible for increased respiratory disease and asthma and other health issues related due to toxins emitted, and
- D. Emissions from both NGS and Four Corners is responsible to increased health care costs including time spent driving to one of only 9 available Indian Hospitals within a 80 mile radius, and
- E. Emissions from both The Navajo Generating and Four Corners Power Plant impairs and reduces visibility within the spectacular national parks throughout our region and it is critical that both NGS and Four Corners begin transition to renewable energy generation, and.
- F. This transition should include direct benefits to the people and communities that are adversely impacted by more than 3 decades for toxic pollutants emitted into the air and onto the land and water sources.

**Special Clauses:**

- The To'Nanees'Dizi Chapter respectfully requests for Public Hearings for disbursement of



Council of Naat'aanii and Executive Manager Local Government  
for To'Nanees'Dizi Community  
TO'NANEES'DIZI LOCAL GOVERNMENT  
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COUNCIL OF NAAT'AANII

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Executive Assistant

Vanessa Lee  
Administrative Assistant

Information and public input by To Nizhoni Ani.

***Be it resolved by the Council of Naat'aanii of the To'Nanees'Dizi Local Government concurring therein:***

**WHEREAS**, the To'Nanees'Dizi Chapter is Local Governance Act Certified Chapter pursuant to TCDC # TCDCD-18-04.

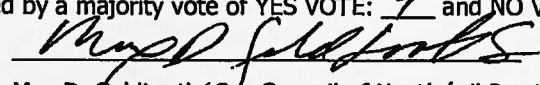
**WHEREAS**, the To'Nanees'Dizi Chapter has adopted the Council of Naat'aanii and Executive Manager Form of Government for the To'Nanees'Dizi Chapter pursuant to the Special Referendum Election held on January 12, 2010, and Navajo Nation Board of Election Supervisors Certification on February, 3, 2010, BOESF-004-10.

**WHEREAS**, the Council of Naat'aanii Officers on behalf of the To'Nanees'Dizi Local Government to supports the To Nizhoni Ani's position to achieve the strongest and most stringent levels of pollution controls possible otherwise known as BART (Best Available Retrofit Technology) for both Navajo Generating Stating and Four Corners Power Plant and the transition to a renewable energy plants.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of Naat'aanii of the To'Nanees'Dizi Local Government concurs support To Nizhoni Ani position to achieving the strongest the most stringent level of pollution controls possible from both Navajo Generating Station and Four Corners Power Plant and surrounding the Navajo Nation; and supports Environmental Protection Agency's (EPA) determination of Best Available Retrofit Technology (BART) for both Navajo Generating Station and Four Corners Power Plant and recommends that both NGS and Four Corners commence plans to transition to renewable energy generation for the future sustainability and viability of the Navajo Nation.

**CERTIFICATION**

I hereby certify that the foregoing legislation was duly considered and approved by the To'Nanees'Dizi Local Government Council of Naat'aanii at a duly called meeting in Tuba City, Navajo Nation, (Arizona), on this 1st day of May, 2011, at which a quorum was present and that the same was adopted by a majority vote of YES VOTE: 4 and NO VOTE: 0.

  
Max D. Goldtooth, Sr., Council of Naat'aanii President

To'Nanees'Dizi Local Government

Motion: 

Second: 